

**BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES**

May 10, 2011
239 Causeway Street
Boston, Massachusetts

Board Members Present Stanley Walczyk, R.Ph.; Michael Tocco, R.Ph., M.Ed.; Karen Ryle, R.Ph., M.S.; James T. DeVita, R.Ph.; Sophia Pasedis, R.Ph.; Pharm.D; Donald Accetta, M.D., M.P.H.; Joanne Trifone, R.Ph.; Kathy Fabiszewski, Ph.D, N.P.; Steven Budish

Board Members Absent George Cayer, R.Ph.

Staff Present James D. Coffey, R.Ph. Director; Margaret Cittadino, M.Ed., Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator; Samuel J. Penta, R.Ph., Supervising Investigator; Cheryl Lathum R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; William E. Frisch, Jr., R.Ph., Investigator

1. 8:30 a.m. **CALL TO ORDER**
 President Stanley B. Walczyk, R.Ph.
- 2: 8:40 a.m. **APPLICATIONS**
 Pharmacy/Wholesale Distributor Applications
 Assoc. Dir. Margaret Cittadino

New Community Pharmacy

Walgreens 11885, 495 State Road, Dartmouth

Change of Manager

Apothecare South Shore, 720 Centre Street, Brockton (DS89659)
Apothecare of Plymouth, 121-3 Camelot Drive, Plymouth (DS3481)
CVS 260, 155-157 Charles Street, Boston (DS2294)
CVS 1258, 191-193 Cambridge Street, Boston (DS2636)
CVS 3890, 207 Market Street, Brighton (DS89690)
CVS 1306, 220 Maple Street, Dracut (DS3559)
CVS 1945, 207 Rockland Street, Hanover (DS3485)
CVS 1132, 13 ½ Pond Street, Newburyport (DS1734)
CVS 131, 210 Boston Road, North Billerica (DS3049)
CVS 00159, 516-522 Main Street, Melrose (DS16605)
Rite-Aid 10084, 1031 Main Street, Clinton (DS2780)
Stop & Shop Pharmacy 20, 65 Newport Avenue, Quincy (D2669)
Stop & Shop Pharmacy 433, 760 Fellsway, Medford (D3614)
Target T-1516, 423 John Lynch Blvd, Marlboro (DS3273)
Wal-Mart Pharmacy 10 2095, 3005 Cranberry Highway, East Wareham (DS2738)
Walgreens 3062, 595 Washington Street, Canton (DS2337)

Renovation Expansion

Wal-Mart Pharmacy 10-2012, 742 Main Street, Oxford (DS2424)

Motion Pasedis/Ryle to approve all applications
Recused Trifone for Walgreens; Tocco and DeVita for CVS
Approved

3. 8:45 a.m. **UPDATES**
 Dir. James D. Coffey/Assoc. Dir. Margaret Cittadino
 - Board Dispositions
4. 8:55 a.m. **REPORT OF OFFICE OF INVESTIGATIONS (no handout)**
File Review - James C. Emery, Investigator, Cheryl Lathum, Pharm.D., R.Ph.,
 Investigator, William E. Frisch, Jr., R.Ph., Investigator, Leo A. McKenna, Pharm.D.,
 R.Ph., QA Coordinator

1	PHA-2010-0191 Rite-Aid 10194 DS2461	Motion Trifone/Pasedis to Dismiss - no Violation Approved
	PHA-2011-0009 David Becker PH24295	Motion Pasedis/Ryle to Dismiss with Advisory Letter with 2 continuing education credits (CEs) in Medication Error Prevention Approved
	PHA-2011-0010 Roberta M. Rolanti PT1668	Motion Pasedis/Ryle to Dismiss with Advisory Letter with 2 CE's in Medication Error Prevention Approved
2	PHA-2010-0051 The Community Pharmacy at Mercy Medical Center DS89680	Motion DeVita/Accetta to propose Reprimand Approved
	PHA-2011-0050 Melissa Zaslow PH233317	Motion DeVita/Accetta to propose Reprimand In Favor: Fabiszewski, Walczyk, DeVita, Trifone, Accetta Opposed Ryle, Tocco, Budish, Pasedis Approved
	PHA-2011-0049 Todd DeGross (not licensed - Reciprocal Application pending)	Motion Ryle/Accetta to Dismiss with Advisory Letter related to pharmacy employment/functions while application pending; issue cease and desist notice Recused DeVita and Tocco (not present in room for discussion or vote) Approved
3	PHA-2010-0230 Triad Isotopes NU00019	Motion Pasedis/DeVita to Dismiss with Advisory Letter with conditions Approved
	PHA-2011-0097 James Flynn PH/NP18699	Motion Pasedis/DeVita to Dismiss with Advisory Letter with 2 CE's in Medication Error Prevention Approved

5. 10:05 a.m. FLEX DISCUSSION

NEW BUSINESS

Todd DeGroff – Reciprocal Pharmacist Application

Motion Trifone/Accetta to DENY application: Failure to disclose 2004 Connecticut license discipline and employment activities prior to licensure by Board.

Recused Tocco and DeVita (not present in room for discussion or vote)

Approved

6. 10:15 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel

UPDATE: **Martin W. Siegal, R.Ph. v. Board of Registration in Pharmacy**, Suffolk Superior Court, Civil Docket No. # SUCV201-03224-H (PH13033/Docket No. PH-97-098) – *Plaintiff's Motion for Judgment on the Pleadings* denied April 5, 2011.

Board reviewed April 29, 2011 letter from Paul M. Schmitt, Esq. requesting advisement as to eligibility for pharmacy technician registration for Martin Siegal. Board to advise Atty. Schmitt that same good moral character eligibility evaluation is performed for pharmacist licensure and pharmacy technician registration applications.

Matter of **Andrea Holstein, R.Ph.** (PH20940) - Docket No. PH-05-090
Board reviewed letter (received April 12, 2011) requesting revision of term of *Consent Agreement for Probation*. Board to advise no revision of Consent Agreement.

Matter of **John Joseph Carey, III** (PH17893) – Docket No. PHA-2011-0062
Through attorney, licensee has surrendered license pending resolution of complaint.

Motion Tocco/Ryle to refer file to Office of Prosecutions.

Recused: Trifone (not present in room for discussion or vote)

Approved

Matter of **Michelle Montelongo** (PT6823) – Docket No. PHA-2011-0069

Board reviewed Complaint file.

Motion Ryle/DeVita to issue *Temporary Order of Summary Suspension* if no surrender of registration.

Recused: Trifone (not present in room during discussion or vote)

Approved

CLOSED SESSION – Review/discussion of Complaints and other Legal Matters
[MGL c. 112, s. 65C; MGL c. 30A, ss. 18 - 21]

10:15 a.m. **Motion** Ryle/Trifone to enter closed session. **Approved**

11:45 a.m. **Motion** Trifone/Pasedis to end closed session. **Approved**

7. 12:05 a.m. NEW COMMUNITY PHARMACY APPLICATION/Appearence

AMHERST PHARMACY LLC – Proposed: 381 College Street, Amherst

Present: Proposed MOR Ioannis Nikitas, R.Ph. (PH21702), Owner.

Applicant for retail pharmacy licensure proposes to dispense Schedule II-VI controlled substances

Motion Pasedis/Ryle to approve application pending compliant inspection

Recused Trifone (not present in room for discussion or vote)

Approved

8. 12:40 a.m. **DISCUSSION – Safe Medication Storage:** Michael Botticelli, Director, Bureau of Substance Abuse Services, Department of Public Health; David Johnson, Executive Vice President, Massachusetts Pharmacists Association

To be rescheduled

9. 12:40 p.m. **DISCUSSION – Proposed Policy: *Information that Can be Changed on a Schedule II Prescription***

Board reviewed draft Interim Policy applicable until U.S. DEA issues final ruling for schedules II-VI.

UPDATE - NABP/ACPE CPE Monitoring Service update

- Currently operational for pharmacists but not accessible by state boards

10. **FLEX DISCUSSION**

A. **NEW BUSINESS**

- NABP Resolutions – proposed for Annual Meeting May 21-24, 2011

B. **OLD BUSINESS**

- Walgreens Pharmacy Pilot Project Request: appearance scheduled for June 12 meeting.

11. 12:30 p.m. **LUNCH**

12:30 p.m. DeVita exits meeting

12. 1:45 p.m. **INVESTIGATIVE CONFERENCE**

CVS/pharmacy 720, Lower Mills (DS1003) - Complaint No. PHA20100179

Elsie L. Preval, R.Ph. (PH26271) - Complaint Nos. PHA20110046 and PHA20110053

Shaun M. Carroll (PT11808) – Complaint No. PHA20110071

Complaints allege CVS/pharmacy 720 failed to fill a prescription properly for Trazodone 50mg. (June 14, 2010)

Present: MOR Elsie Preval, R.Ph., Shaun M. Carroll (PT), Paul Magno (Supervisor), Gregg Pennington (CVS/Regulatory Compliance) and Atty. Jeffrey Cataldo

Investigator: William E. Frisch, Jr., R.Ph.

PHA-2010-0179 CVS 720 DS1003	Motion Pasedis/Ryle to Dismiss with Advisory Letter with conditions: provide a copy of the Pharmacy Corrective Action Plan (CAP) with the names and signatures of retrained employees to the Board for review; submit the CAP to CVS Caremark Quality Assurance and Safety Department with a recommendation for statewide implementation and provide written confirmation of the submission to the Board; provide written confirmation to the Board that the current MOR at CVS Pharmacy 720 has completed a Board "Self-Inspection Form"; and submit a Medication Error Report (MER) to the Institute for Safe Medication Practices (ISMP) Recused Tocco (not present in room for discussion or vote) Approved
PHA-2010-0046 Elsie L. Preval PH26271	Motion Ryle/Trifone to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Recused Tocco (not present in room for discussion or vote) Approved
PHA-2010-0053 Elsie L. Preval PH26271	Motion Ryle/Trifone to Dismiss with Advisory Letter related to CE deficiencies (2008/2009) Recused Tocco (not present in room for discussion or vote) Approved
PHA-2010-0071 Shaun M. Carroll PT11808	Motion Ryle/Trifone to Dismiss with Advisory Letter with 2 CEs in Medication Error Prevention Recused Tocco (not present in room for discussion or vote) Approved

12. 2:30 p.m. PHARMACIST APPLICATION/Appearance – **Quang M.P. Nguyen**

2:30 p.m. **Motion** Ryle/Pasedis to enter closed session (G.L. c. 30A, s. 21). **Approved**

2:45 p.m. **Motion** Pasedis/Ryle to end closed session. **Approved**

Motion Pasedis/Trifone to allow candidate 60 days from appearance to pass NAPLEX and MPJE with no extension of pharmacy intern registration beyond current expiration date.

Opposed Ryle

Approved

Recused Tocco (not present in room for discussion or vote)

13. 2:45 p.m. REPORT OF OFFICE OF INVESTIGATIONS - Continued

1	PHA-2011-0072 Patrick R. Capone PH15466	Motion Pasedis/Ryle to Dismiss with Advisory Letters and require the following licensees with CE deficiencies to provide proof of completion of all 2009 and 2010 CEs to the Board within 30 days. Approved Recused Tocco for all CVS (not present in room for discussion or vote)
2	PHA-2011-0093 Randall J. Sims PH22380	
3	PHA-2011-0081 Laura A. Mansman PH24858	
4	PHA-2011-0091 Rachel A. Schindler PH21426 PHA-2011-0092 Kathleen Reardon PH27625	
6	PHA-2011-0081 Christina M. Lapointe PH24858	Motion Pasedis/Trifone to propose Probation (minimum of four years) and compliance with Maine Consent Agreement and Contract Recused Tocco (not present for discussion or vote) Approved

14. 3:00 p.m. DISCUSSION -

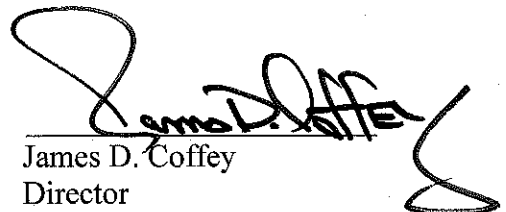
- October 2011 NABP/AACP District I & II Annual Meeting to be hosted by Massachusetts

15. INFORMATIONAL ITEMS (FYI)

3:30 p.m. **Motion** Ryle/Pasedis to adjourn.

ADJOURNMENT

Respectfully submitted by:


James D. Coffey
Director

Board approved: August 16, 2011

BOARD OF REGISTRATION IN PHARMACY
CLOSED SESSION MINUTES
May 10, 2011
239 CAUSEWAY STREET
BOSTON, MA 02114

Closed Session – M.G.L. c. 112, s. 65C (Pending Complaints)
M.G.L. c. 30A, s. 18 -21 (Adjudicatory and Executive)

10:15 a.m. **Motion** Ryle/Trifone to enter closed session. **Approved**

Matter of **Karen L. Ramirez**, R.Ph. (PH16431/Docket No. PHA-2010-0183)
Board reviewed letter (received March 23, 2011) requesting advisement as to licensure eligibility. Board confirmed terms for reinstatement as set forth in *Order of Suspension based on Violation of Consent Agreement* (1/11/11).

Matter of **Patrick Clark** (PH25373/Docket No. PHA-2011-0096)
Board reviewed Consent Agreement (9/9/09) and license surrender (4/19/11) with David Ring, MPRS coordinator.
Motion Trifone/DeVita to amend Consent Agreement to include additional two year period, with petition for resumption of practice to be reviewed by Board not sooner than two years from the date of the extended (for 5 years) MPRS contract.
Approved

Matter of **Jean Perez**, R.Ph. (PH27757/Docket No. PHA-2010-0225)
Board reviewed MPRS contract executed May 3, 2011.
Motion Pasedis/Budish for Consent Agreement with petition for resumption of practice after one year license surrender.
Recused: Trifone (not present in room for discussion or vote)
Approved

Matter of **Jeffrey Buck** (PI 1155004/Docket No. PHA-2009-0176)
Board reviewed file relating to rescinded intern registration (12/7/09) and request to to be reinstated as pharmacist intern.
Motion Pasedis/Budish to register Jeffrey Buck as intern on probationary status with notification to MCPHS.
Approved

Matter of **Nicholas Pariaros** (PI 1131144/Docket No. PHA-2008-0041)
Board reviewed file relating to rescinded intern registration (3/24/09) and request to to be reinstated as pharmacist intern.
Motion DeVita/Pasedis to register Nicholas Pariaros as intern on probationary status with notification to Northeastern Univ. School of Pharmacy.
Recused: Trifone (not present in meeting room for discussion or vote)
Approved

Matter of **Shore Drug** (Dana Shore, Owner) – Docket No. PHA20110014.
Board updated on matters related to Shore Drug, including *Temporary Order of Summary Suspension* dated May 4, 2011 and Embargo Order issued by DPH/Drug Control Program. Board will issue *Final Order of Summary Suspension* if hearing on necessity of summary suspension is waived or schedule hearing if not waived.

Matter of **Bruce J. Zippin**, R.Ph. (PH16477/Exp. 12/31/12), MOR, Shore Drug - Docket No. PHA-2011-0120.

Board reviewed complaint relating to manager of record oversight of Shore Drug.

Motion Ryle/Pasedis to issue *Temporary Order of Summary Suspension*.
Approved.

Matter of **Daniel Hamm** (PH232745) - Docket No. PHA-2011-0116)
Motion Pasedis/Tocco to accept voluntary surrender if timely submitted by licensee.
Approved

11:45 a.m. **Motion** Trifone/Pasedis to end closed session. **Approved**

2:30 p.m. PHARMACIST APPLICATION/Appearance – **Quang M.P. Nguyen**

2:30 p.m. **Motion** Ryle/Pasedis to enter closed session (G.L. c. 30A, s. 21 Executive Session per applicant). **Approved**

Board reviewed intern registration history and request for extension.

Motion Pasedis/Trifone to advise Quang M.P. Nguyen of terms for continuation of intern status and application requirements - 60 days from this date to pass NAPLEX and MPJE with no extension of pharmacy intern registration beyond current expiration date.

Opposed: Ryle.

Approved

Recused Tocco not present in room for discussion or vote

2:45 p.m. **Motion** Pasedis/Ryle to end closed session. **Approved**